

CIVIL COVER SHEET

Case: 1:17-cv-07024 Document #: 1-1 Filed: 09/28/17 Page 1 of 2 PageID #:5

The ILND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (See instructions on next page of this form.)

I. (a) PLAINTIFFS

Craftwood Lumber Company; Craftwood II, Inc. and Craftwood III, Inc.

(b) County of Residence of First Listed Plaintiff Lake County, IL

(Except in U.S. plaintiff cases)

(c) Attorneys (firm name, address, and telephone number)

Peter Trobe, Trobe Babowice & Assoc, LLC; 404 W. Water St., Waukegan, IL 60085 847-625-8700

DEFENDANTS

Horizon Global Corporation; Horizon Global Americas, Inc. and Comprehensive Marketing, Inc.

County of Residence of First Listed Defendant Oakland County, MI

(In U.S. plaintiff cases only)

Note: In land condemnation cases, use the location of the tract of land involved.

Attorneys (if known)

Horizon Global defendants - Bart T. Murphy, Ice Miller, LLP; 2300 Cabot dr., Ste. 455; Lisle, IL 60532 630-747-8508
CML: Paul Bozych, Nielsen Zehe & Antas, PC, 55 W. Monroe,**II. BASIS OF JURISDICTION** (Check one box, only.)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
(U.S. Government not a party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate citizenship of parties in Item III.) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only.)

(Check one box, only for plaintiff and one box for defendant.)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Check one box, only.)

CONTRACT	TORTS	PRIISONER PETITIONS	LABOR	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY		<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander Liability	<input type="checkbox"/> 368 Personal Injury	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 369 Product Liability	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 390 Other Product Liability	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	BANKRUPTCY	FORFEITURE/PENALTY	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 861 HIA (1395f)
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment			<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations			<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition)		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 465 Other Immigrant Actions		
IMMIGRATION				
FEDERAL TAXES				
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party	
			26 USC 7609	

V. ORIGIN (Check one box, only.)

- | | | | | | | |
|--|--|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 8 Multidistrict Direct File |
|--|--|--|---|--|---|--|

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

47 U.S.C. Sec. 227 - TCPA unsolicited fax ad class action

VII. Previous Bankruptcy Matters (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)**VIII. REQUESTED IN COMPLAINT:** Check if this is a class action under Rule 23, F.R.C.V.P.**DEMAND \$**Check Yes only if demanded in complaint.
JURY DEMAND: Yes No**IX. RELATED CASE(S)** (See instructions)

IF ANY

Judge

Docket Number

X. This case (Check one box, only.) is not a refiling of a previously dismissed action is a refiling of case number previously dismissed by Judge

Signature of attorney of record

s/Bart T. Murphy

Judge Ellis

No. 17 CV 4129

See Addendum attchd.

Date

9/28/17

ADDENDUM TO CIVIL COVER SHEET

X. Pursuant to L.R. 40.3(b) this case should be directly assigned to Judge Ellis. L.R. 40.3(b)(2) provides in relevant part: "When a case is dismissed with prejudice or without, and a second case is filed involving the same parties and relating to the same subject matter, the second case shall be assigned to the judge to whom the first case was assigned.

A prior action involving the same parties and relating to the same subject matter was filed in this court on May 31, 2017 captioned: *Craftwood II, Inc. and Craftwood III, Inc. v. Horizon Global Corporation, Horizon Global Americas, Inc. and Comprehensive Marketing, Inc.*, No. 17 CV 4129 (the "First Case"). The complaint in the First Case alleged that the defendants sent plaintiffs and the putative class members unsolicited fax ads in violation of the Telephone Consumer Protection Act ("TCPA"). The plaintiffs in the First Case filed a Notice of Voluntary Dismissal without prejudice on August 23, 2017 (Dkt. #47 in First Case). On September 6, 2017 Judge Ellis entered an order dismissing the First Case without prejudice (Dkt. #48 in First Case).

On August 31, 2017 the Plaintiffs in the First Case (Craftwood II, Inc. and Craftwood III, Inc.) filed an action in the Circuit Court of Lake County, Illinois against the same defendants in the First Case. *Craftwood Lumber Company, Craftwood II, Inc. and Craftwood III, Inc. v. Horizon Global Corporation, Horizon Global Americas, Inc. and Comprehensive Marketing, Inc.*, No. 17 CH 1213 (Circuit Court of Lake County, IL) (the "Second Case"). The second case was filed by the same plaintiffs who filed the First Case against the same defendants named in the First case and it involves the same subject matter as the First Case – namely an allegation that defendants violated the TCPA by sending fax ads to the Plaintiffs and the putative class members. Defendants have removed the Second Case to this court pursuant to federal question jurisdiction. The Second Case involves the same two plaintiffs that filed the First Case and the same three defendants named in the First Case. The subject matter of the First and Second Cases is identical.